



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 4, 1998

Mr. Ryan Tredway
Staff Attorney
Legal and Compliance Division, MC 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR98-1390

Dear Mr. Tredway:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115815.

The Texas Department of Insurance (the "department") received a request for information relating to Lloyd's of London ("Lloyds"). You state that you have provided some of the responsive information to the requestor. You claim that the remaining information is excepted from disclosure pursuant to sections 552.101, 552.111, and 552.112 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Article 1.15, section 9 of the Insurance Code makes confidential the examination reports and related work papers obtained during the course of an examination of a carrier. Ins. Code art. 1.15, § 9; Open Records Decision No. 640 (1996).¹ You explain that the documents at issue consist of a draft examination report and work papers obtained or created during an examination of Lloyds. We therefore conclude that the department must withhold the documents from disclosure under section 552.101 of the Government Code, in conjunction with Insurance Code article 1.15, section 9.²

¹We note that Open Records Decision No. 640 (1996) is a previous determination within the meaning of section 552.301(a) of the Government Code for the type of documents addressed in that opinion.

²For purposes of this ruling, we assume that the carrier is not in liquidation or receivership. Ins. Code art. 1.15, § 9; see Open Records Decision No. 640 (1996) at 3-4.

Because we are able to resolve this matter under section 552.101, we need not address the other exceptions you claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 115815

Enclosures: Submitted documents

cc: Mr. Aubrey Wilson
American Names Association, Inc.
P.O. Box 9940
Rancho Santa Fe, California 92067
(w/o enclosures)